

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEYSON M. BADILLO-LOPEZ,

Defendant.

CRIMINAL 99-344 (PG)

EMERGENCY MOTION TO CONTINUE FINAL REVOCATION HEARING

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
SENIOR UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO

COMES NOW, defendant, JEYSON M. BADILLO-LOPEZ, represented by the Federal Public Defender for the District of Puerto Rico through the undersigned attorney, and very respectfully states, alleges and prays as follows:

1. This Honorable Court has scheduled a final revocation of supervised release hearing for tomorrow, September 9, 2008. (Docket No. 888.)

2. The defendant was arrested last Thursday, September 4, 2008 and brought before a magistrate judge for initial appearance. (*Id.*)

3. At the hearing, the magistrate judge appointed the Office of the Federal Public Defender to represent Mr. Badillo-Lopez. (*Id.*; see *also* Order Appointing Federal Public Defender, Docket No. 891.)

4. Even though the appointment occurred on September 4, 2008, the order appointing the Federal Public Defender was not entered on the docket until Friday, September 5, 2008 at 6:25 p.m. (See Docket No. 891.)

5. In reality, because of the late hour on Friday, notice of the appointment was not received until today, September 8, 2008. The case has been assigned to Assistant Federal Public Defender Giovanni J. Canino. However, since Mr. Canino is unable to attend tomorrow's hearing, the undersigned has agreed to cover for him. The undersigned also agreed to move this Honorable Court for a continuance so that Mr. Canino can properly prepare to represent the defendant.

6. As this Court may imagine, in all practical terms, our office has only had one day's notice of the appointment. No attorney from this office has gone to visit the defendant in preparation for the hearing. Simply put, at this time, we are not prepared to responsibly represent the defendant tomorrow at a final revocation hearing. The defendant needs to be consulted as to whether he admits or denies any of the allegations set forth in the probation officer's motion. He also needs to be consulted as to his desire to exercise his right to a full fledged evidentiary hearing.

7. Accordingly, it is respectfully requested that the term of two weeks be granted so that the defense can properly prepare to answer to the probation officer's allegations in his motion for an order to show cause filed August 20, 2008. (Docket No. 883.)

8. The present request is not made with any dilatory intent in mind and it is in turn necessary for an adequate representation of the defendant.

WHEREFORE, it is respectfully requested that this Honorable Court take notice of the above and that the final revocation hearing scheduled in the present case be continued for at least two weeks.

I HEREBY CERTIFY that on this date I electronically filed the present motion with the Clerk of Court using the CM/ECF system which will sent electronic notification of said filing to all parties of record.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, this 8th day of September, 2008.

JOSEPH C. LAWS, JR.
FEDERAL PUBLIC DEFENDER
DISTRICT OF PUERTO RICO

S/Hector L. Ramos-Vega
Hector L. Ramos-Vega
Assistant Federal Public Defender
USDC-PR 222504
241 F.D. Roosevelt Ave.
Hato Rey, P.R. 00918-2441
(787) 281-4922/ Fax (787) 281-4899
E-mail: Hector_Ramos@fd.org